

**DECREE
OF ANNULMENT
for a NON-COVENANT MARRIAGE**

4

The Court Order

Part 4: To get an Annulment

(Forms and Instructions)



SELF-SERVICE CENTER

DECREE OF ANNULMENT for a

DEFAULT OR TRIAL

CHECKLIST

Use the forms and instructions in this packet ONLY if the following factors apply to your situation:

- ✓ You, **or** your spouse, filed a “***Petition for Annulment*** **AND**
- ✓ You and your spouse have no minor children in common, by birth or adoption, **AND** the wife is **not** pregnant by the husband, **AND**
- ✓ Either the Respondent has not responded, **OR**
- ✓ The Respondent disagrees with issues in the petition, **AND**
- ✓ You are ready to complete the court papers to get an Annulment Decree, **AND**
- ✓ You are going to a default hearing, **or** you have filed the papers to get a default annulment without a hearing **OR**
- ✓ You are going to trial.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-

Service Center website at:

www.superiorcourt.maricopa.gov/SSC

SELF-SERVICE CENTER

PART 4 -- DECREE OF ANNULMENT FOR DEFAULT OR TRIAL

This packet contains court forms and instructions to get a decree for an Annulment of a Non-Covenant marriage. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File Number	Title	# pages
1	DRAA8k	Checklist: <i>You may use these forms if . . .</i>	1
2	DRAA8t	Table of Contents (this page)	1
3	DRAA8i	Instructions to complete <i>“Decree of Annulment”</i>	4
4	DRAA8f	<i>“Decree of Annulment”</i>	8

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT THE ANNULMENT DECREE For DEFAULT or TRIAL

I. GENERAL INFORMATION

What the Decree Means to You. The Decree is the Court Order that legally ends your marriage. The Decree, once the judge or commissioner has signed it, is important because it determines the rights and responsibilities of both you and your ex-spouse. If either party **disobeys** what the Decree orders, then the other party may ask the court for help. **The Decree is a very important document.** Once it has been signed by the judge, your rights and responsibilities are affected forever.

The Decree. Fill out the Decree **before** you go to your hearing or **before** you give it to the judge to sign. Do **not** fill in the spaces allocated for the judge's signature and date. If the judge disagrees with anything you have written, he/she may change it before signing the Decree **or** he/she may ask the parties to come to a hearing.

Annulment by Default. If you have a Default Hearing, you must repeat, as closely as possible, what you requested in your Petition. You cannot request something different in the Decree than what you requested in the Petition. If you try to do this, the judge or commissioner will **not** sign the Decree. If you want to change your requests to the court, you must file an **"Amended Petition."** It is a good idea to have your Petition handy when you fill out your Decree so you can refer to it as needed.

Getting Your Annulment Finalized.

- **TRIAL:** If you have a trial, you must bring a copy of your marriage license to the trial to show the judge what type of marriage you have.
- **SERVICE BY PUBLICATION:** If you served the other party by publication, the court cannot sign a Decree that divides community property and/or debt.
- **JUDICIAL SIGNATURE REQUIRED:** Before your Annulment can become final, a judge or commissioner must sign the Decree. The Decree states how the property (if any) is divided and how the debts and assets (if any) are divided.

II. INSTRUCTIONS FOR COMPLETING THE DECREE:

When writing on any court forms, **type or print with black ink only.**

A. CASE IDENTIFICATION:

- Top left corner of the first page: write in Petitioner's name, mailing address, phone number for day and evening. Check the box of the person you represent. If you have an attorney, write in the attorney State Bar Number.
- Write in the name of the Petitioner, the name of the Respondent and the case number in the appropriate spaces provided. These should be written the same as they are written on the *original* Petition.
- Put a check mark in the appropriate box on the right side of the page; if you are seeking a decree by Default, mark the Default box. If you are seeking a decree by way of a trial, mark the trial box.

B. COURT FINDINGS SECTION:

- This section generally mirrors the information in your petition. Each number recites facts the court uses to create the final court order for the annulment.
- **Item Number 9:** Write in the same Ground(s) for annulment that you wrote in the Petition for Annulment.
- **Item Number 10:** Write in the same Protective Order information that you wrote in the Petition.
- **Item Number 11:** Write a check mark in the appropriate box for Pregnancy and Minor Children, the same as that information you wrote in the Petition.
- **Item Number 12:** Write a check mark in the appropriate box(es) indicating the same information that you wrote in the Petition.
- **Item Number 13:** Write in the same Other Findings, if any, that you wrote in the Petition.

C. COURT ORDERS SECTION:

1. **ANNULMENT:** Write in the same Ground(s) for annulment that you wrote in the Petition for Annulment, and in the findings section above.
2. **PROPERTY AND DEBTS:** Write a check mark in the appropriate box(es) indicating the same information about Property and Debt as you wrote in the Petition, and in the box(es) of the above "Findings" section.
3. **TAX RETURNS:** Write a check mark in the appropriate box(es) indicating the same information about Tax Returns as you wrote in the Petition and in the boxes of the above "Findings" section.
4. **NAME CHANGE:** If the Petitioner or Respondent wants to use, and/or be called by, the former/maiden name, write a check mark in the appropriate box(es) and **write the same name** you wrote in this section of the Petition. **NOTE:** The law does **not** require you to use your former/maiden name.
5. **OTHER ORDERS:** If you listed any other orders in the Petition for Annulment, write in the same information in the space provided.

6. **ENFORCEMENT OF TEMPORARY ORDERS.** If the court ordered temporary payment of spousal maintenance/support (alimony), debt division, or other temporary relief, fill in the dates of ALL of the temporary orders. This section allows you to enforce nonpayment of those debts.

7. **FINAL APPEALABLE ORDER.** This Decree/Order/Judgment is a final order and may be appealed.

8. **JUDICIAL SIGNATURE:** The Judge or Commissioner who presides over your case will **SIGN AND DATE** this "COURT ORDERS" section.

D. SIGNATURES "OF BOTH PARTIES" SECTION:

- Do not sign or date the Decree, the Judge/Commissioner must do this.
- **DEFAULT HEARING:** If you (the Petitioner) have a Default Hearing, **the Petitioner must promise** to mail a copy of the Decree to the Respondent, after the Judge or Commissioner has signed it.

E. "EXHIBIT A: PROPERTY AND DEBT": If you have questions about whether your property is community property or separate property, or whether your debt is community debt or separate debt, you should see a lawyer for help.

1. **Division of Community Property.** If you marked the box on the Decree to indicate you have **no** community property or debts, **STOP.** You have completed your Decree. If you **have** community property or debt, **check this box** and complete this form.

2. **List of Community Property.** Describe the property, then mark the box showing which party is being given the property. Mark the box stating "award each party the personal property in his/her possession." If you had to use a separate sheet to list more property, mark the box that states "continued on reverse side or see attached list." Be as specific as possible in describing your property.

3. **Retirement Benefits.** Decide what you want to do about these assets. Generally, each spouse is entitled to a half interest in the pension or retirement or deferred compensation benefits of the other spouse, based upon the length of time the parties were married. This is very complicated, and very important to both spouses. If you are entitled to any interest in your spouse's retirement assets, you may be required to file a **"Qualified Domestic Relations Order."** This is a very important document. The Court and the Self-Service Center do not have this document. See a lawyer for help. Check the box that describes what you asked for in the Petition or what the parties have agreed to.

4. **Real Property.** Mark this box if you own a home or any other real estate together. **IT IS VERY IMPORTANT THAT YOU WRITE IN THE CORRECT ADDRESS AND THE LEGAL DESCRIPTION OF EACH PIECE OF PROPERTY.** Mark the box showing which spouse gets which property, **OR** that the property is to be sold and the proceeds divided. If you used your own earnings to pay for property owned by your spouse, see a lawyer.

5. **Community Debt.** Mark this box if the parties have community (or joint) debt. Describe the debt, including the creditor and the amount owed. Then mark the box showing which party is going to pay for the debt. If you had to use a separate sheet to list more debts, or if you continued to list debts on the reverse side of the page, check the box to indicate that to the Judge. (Mark the next box if you both agree that each spouse will pay his/her own debt, debts incurred, and owed, prior to the marriage)
6. Mark this box if you want to divide the debt(s) that were incurred by a spouse, but were not listed to be paid by the spouse who incurred the debt(s). Remember, even though the Decree orders either spouse to pay community debts - that does not mean a creditor cannot pursue collection from the other spouse, even after the Annulment is final.
7. **Separate Property.** If you and/or your spouse have separate property, describe the separate property, its value, and who the property belongs to.
8. **Separate Debt.** If you and/or your spouse have separate debt, identify the creditor, the amount owed, and who is responsible for paying the separate debt.

III. PROCEDURES: HOW TO GET YOUR DECREE SIGNED BY THE JUDGE

- **THREE COPIES: Make three (3) copies of the decree.** Take the documents to your court default hearing or to your trial for the Judge to review and sign if he/she approves them.
- **TRIAL:** If you have a trial, you must bring a copy of your marriage license to the trial to show the judge what type of marriage you have.
- **SERVICE BY PUBLICATION:** If you served the other party by publication, the court cannot sign a Decree that divides community property and/or debt.
- **NOTE: If you disobey the Orders in the Decree, You Could Get Into Trouble With the Court.** This **does not** mean that the Court will police you or the other party to make sure you are following the Decree. It **does** mean that you, or your ex-spouse, can request a “**Contempt Order**” or an “**Order to Enforce**” parts of the Decree if you, or your ex-spouse, fail to follow the orders in the Decree.

Petitioner Name: _____
Mailing Address: _____
City, State, Zip Code: _____
Daytime/Evening Phone: _____ / _____
Representing: ☐ Self or ☐ Petitioner ☐ Respondent
State Bar No. (if attorney): _____

Respondent Name: _____
Mailing Address: _____
City, State, Zip Code: _____
Daytime/Evening Phone: _____ / _____
Representing: ☐ Self or ☐ Petitioner ☐ Respondent
State Bar No. (if attorney): _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Petitioner is ☐ Husband ☐ Wife

Case No. _____

DECREE OF ANNULMENT in a NON-Covenant Marriage

☐ for DEFAULT

☐ for TRIAL

Respondent is ☐ Husband ☐ Wife

THE COURT FINDS:

1. This case has come before this Court for a final Decree of Annulment of Marriage. The Court has taken all testimony needed to enter a Decree, or the Court has determined testimony is not needed to enter the Decree.
2. This Court has jurisdiction over the parties under the law.
3. **Service by Publication:** If the Respondent was served by publication and was not personally served, this court cannot make legal orders, with respect to issues of community property or debt, or spousal maintenance/support. The Court reserves jurisdiction until personal service is made upon Respondent to consider the maintenance/support of spouse, the disposition of community property or debts, and any other relief requested in the Petition or orders deemed necessary by the Court.
4. Where it has the legal power and where it is applicable to the facts of this case, this Court has considered, approved, and made orders relating to issues of the division of property and/or debts.
5. The provisions of this Decree are fair and reasonable under the circumstances and in the best interests of the parties, and the division of property and debt is fair and equitable.

6. **Arizona Residency.** The requirements of A.R.S. §25-312 for annulment of marriage, have been met: At the time this action was filed, the Husband or the Wife was domiciled in Arizona or was stationed in Arizona while a member of the United States Armed Forces. Also, the Petitioner or the Respondent was domiciled or stationed in Arizona for more than 90 days.
7. **Conciliation Court.** The provisions relating to Conciliation Court do not apply or have been met.
8. **Covenant Marriage.** This is a non-covenant marriage.
9. **GROUND(s) for Annulment:** The requirements of A.R.S. §§ 25-301 have been met. The following ground(s) is the basis for this Annulment, which renders the marriage void:

10. **Protective Orders.** Following is the effect, if any, of this Consent Decree on any existing protective orders: _____

11. **Pregnancy and Minor Children.**
☐ There are no minor children common to the parties.
☐ Wife is NOT pregnant – OR –
☐ Wife is pregnant and the husband ☐ is – or - ☐ is NOT the father of the child.
12. **Community Property and Debt.** The Court has considered, approved, and made orders relating to the issues of property and debt. (Check the appropriate box(es)).
☐ The parties did not acquire any community property during the marriage.
☐ The parties did not acquire any debt during the marriage.
☐ There is an agreement as to division of community property and debt. All community property and debt is divided pursuant to and incorporated into this Decree. If necessary, attach the Community Property (**Exhibit "A"**) with the signature of both parties as evidence of this agreement.
☐ There is NO agreement as to division of property and/or debt, but all community property and/or debt is divided pursuant to this Decree.
☐ The Petitioner –or- ☐ Respondent lacks enough property, including property given to him/her as part of this divorce, to provide for his/her reasonable needs, and is unable to support himself/herself through an appropriate job, or is of a condition that he/she should not be required to look for work outside of the home, or lacks earning ability necessary to support himself/herself, or contributed significantly to the educational opportunities of the other spouse, or had a marriage of long duration and is of an age which may severely limit the possibility of getting a job in order to support himself/herself.
13. **Other Findings:** _____

THE COURT ORDERS:

1. **ANNULMENT of the MARRIAGE.** The marriage of the parties is annulled because of the following ground(s): _____

The parties are restored to the legal status of single persons.

2. **PROPERTY and DEBTS: (Select any that apply.)**

- A. ☐ Petitioner is ordered to pay all debts unknown to Respondent, AND
☐ Respondent is ordered to pay all debts unknown to Petitioner, AND
☐ Each party is ordered to pay his or her debts incurred since _____ date.
- B. ☐ Each party is assigned his or her separate property and Husband must pay his separate debt, and Wife must pay her separate debt.
- C. ☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of title ordered in this Decree, such as motor vehicles, houses, and financial institution accounts. The parties shall transfer all real and personal property as described in Exhibit A to the other party on or before _____ by 5:00 p.m.

NOTE: If the party required to transfer the property has not transferred the property to the party entitled to receive the property on or before the date and time listed above, the party entitled to receive the property is entitled upon application to a Writ of Assistance or Writ of Execution to be issued by the Clerk of the Court commanding the sheriff to put him or her in possession of the property.

- D. ☐ Other orders and relief relating to property or debt, if any, are contained in "Exhibit A", which is attached and incorporated into this Decree.

3. **TAX RETURNS**

Please mark appropriate boxes:

- ☐ Each party shall give the other party all necessary documentation to file all tax returns.
- ☐ **For previous calendar years, pursuant to IRS rules and regulations, the parties will file:**
- ☐ Joint federal and state income tax returns and hold each other harmless from half of all additional income taxes if any and other costs, and each will share equally in any refunds, **OR**
- ☐ Separate federal and state income tax returns, AND
- ☐ This calendar year and continuing thereafter, each party will file separate federal and state income tax returns.

4. **NAMES:** IF one or both parties changed their last names as a result of the marriage, either spouse may (optionally) have his/her name legally restored to a pre-marital last name.

- ☐ Wife's name is restored to _____. (Put only the last name here.)
- ☐ Husband's name is restored to _____. (Put only the last name here.)

5. OTHER ORDERS. (List any other orders.)

6. ENFORCEMENT OF TEMPORARY ORDERS: All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of **ALL** temporary orders here) _____ shall be satisfied in full or judgment is awarded against the party with the obligation, up to the amount due and owing as of the date of this Decree, together with the highest legal interest allowed by law.

7. FINAL APPEALABLE ORDER. Pursuant to Rule 81, Arizona Rules of Family Law Procedure, this final judgment/decreed is settled, approved and signed by the Court and shall be entered by the clerk.

Date

Judicial Officer

If this Decree was issued as a "Default," and the Petitioner served the papers to begin this case by any means *other than* by publication, a copy of this Decree shall be mailed or delivered to the Respondent within 24 hours of the court hearing as follows:

Respondent's Name: _____

Mailing Address: _____

City, State Zip Code: _____

By: _____

EXHIBIT A: PROPERTY AND DEBTS (Refer to section “E” in instructions)

1. DIVISION OF COMMUNITY PROPERTY (property acquired during the marriage)

- ☐ Award each party the personal property in his/her possession.
- ☐ Community property is awarded to each party as follows:

2. LIST OF COMMUNITY PROPERTY (Be very specific in your description of the property.)

[illegible]

COMMUNITY PROPERTY	(Be specific)	AWARD TO	
		Husband	Wife
<u>Cash, bonds of \$</u>		<input type="checkbox"/>	<input type="checkbox"/>
Other: _____		<input type="checkbox"/>	<input type="checkbox"/>
Other: _____		<input type="checkbox"/>	<input type="checkbox"/>
Other: _____		<input type="checkbox"/>	<input type="checkbox"/>
Other: _____		<input type="checkbox"/>	<input type="checkbox"/>
Other: _____		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continues on attached page(s).			

3. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION

WARNING. You should see a lawyer about your retirement, pension, deferred compensation, 401k plans and/or benefits. If you do not see a lawyer regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. Only a lawyer can help you prepare these documents.

- ☐ Neither party has a retirement, pension, deferred compensation, 401K Plan and/or benefits.
OR
- ☐ Award each party his/her interest in any and all retirement benefits, pension plans, or other deferred compensation described as:

OR
- ☐ Each party **WAIVES AND GIVES UP** his/her interest in any and all retirement benefits, pension plans, or other deferred compensation of the other party:

4. DIVISION OF REAL PROPERTY (Land and Buildings) Section A is for one piece of property. Section B is for another, separate property.

- A. Real property located at (address)_____. The **legal description** of this property, **as quoted from the DEED to the property* is:**

* If you do not provide a correct legal description, you may have to come back to court to amend the Decree to include the correct legal description.

The real property ("A") described above is awarded as the sole and separate property of:

☐ Husband or ☐ Wife

OR

☐ Shall be sold and the proceeds divided as follows:

_____ % or \$_____ to Husband

_____ % or \$_____ to Wife

B. Real property located at (address)_____.The **legal description** of this property, **as quoted from the DEED to the property*** is:

* If you do not provide a correct legal description, you may have to come back to court to amend the Decree to include the correct legal description.

The real property ("B") described above is awarded as the sole and separate property of:

☐ Husband or ☐ Wife

OR

☐ Shall be sold and the proceeds divided as follows:

_____ % or \$_____ to Husband

_____ % or \$_____ to Wife

5. DIVISION OF COMMUNITY DEBT (Debts incurred during the marriage) (You should see a lawyer about how to divide secured and unsecured debts.)**Community debts shall be divided as follows:**

	Creditor Name	Amount Owed	Amount to be paid by Husband	Amount to be paid by Wife
a.	_____	\$ _____	\$ _____	\$ _____
b.	_____	\$ _____	\$ _____	\$ _____
c.	_____	\$ _____	\$ _____	\$ _____
d.	_____	\$ _____	\$ _____	\$ _____
e.	_____	\$ _____	\$ _____	\$ _____
f.	_____	\$ _____	\$ _____	\$ _____
g.	_____	\$ _____	\$ _____	\$ _____
h.	_____	\$ _____	\$ _____	\$ _____
i.	_____	\$ _____	\$ _____	\$ _____

☐ Continues on attached page.**6.** ☐ Any debts or obligations incurred by either party before the date of separation, that are not identified in the list above or attached, shall be paid by the party who incurred the debt or obligation and that party shall indemnify and hold the other party harmless from such debts.**7. SEPARATE PROPERTY.** (Property acquired before the marriage or by gift or bequest to one party.)
Property recognized as the separate property of the Petitioner or Respondent, is assigned below:

Description	Value	To Husband	To Wife
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>

8. SEPARATE DEBT: (Debt acquired before the marriage.)

Debt recognized as the separate debt of the Husband or Wife, is assigned below:

Creditor Name	Debt Amount	Husband Pays	Wife Pays
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>
	\$	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continued on attached page.**SIGNATURE OF BOTH PARTIES (for Consent Decree)**

This "Exhibit A" represents the agreement of the parties as to the division of property and debt. The terms of the agreement are fair and equitable and have been reached free of coercion, duress, or threat of force.

By signing below, each of us states to the Court under penalty of perjury that we have read and understand this document, and that the information contained in the document is true and correct to the best of our individual knowledge and belief.

Petitioner's Signature_____
Date_____
Respondent's Signature_____
Date

If either party is represented by an attorney, the attorney(s) must sign:

Petitioner's Attorney_____
Date_____
Respondent's Attorney_____
Date